

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

v.

23-CR-102-LJV

BRIAN ROSENTHAL,

Defendant.

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**SPEEDY TRIAL ORDER**

(January 25, 2024 through February 9, 2024)

On January 25, 2024, the parties appeared before the Court. Assistant United States Attorney Joseph M. Tripi appeared on behalf of the government; the defendant appeared personally and by attorney Herbert Greenman, Esq., and Donald Thompson, Esq., who was present and provisionally assigned as counsel.

At that time, the parties requested that the Court grant a continuance of proceedings in this action in order to resolve and finalize issues relating to Mr. Rosenthal's acquiring counsel to represent him in this case, to afford defense counsel an opportunity effectively to prepare for the case by consulting further with the defendant, and to allow defense counsel an opportunity effectively to prepare for the case by affording an opportunity further to familiarize him/herself with the facts and law as they pertain to this case.

On the basis of the representations of the parties, the Court scheduled a status conference in this action for February 9, 2024. With the consent of counsel for the defendant,

the Court further excluded the time in this action from and including January 25, 2024, to and including February 9, 2024, as being in the interest of justice and not contrary to the interests of the public and the defendant in a speedy trial pursuant to Title 18, United States Code, Section(s) 3161(h)(7)(A) and 3161(h)(7)(B)(iv). Additionally, motions remain pending, and time is therefore excluded pursuant to Title 18, United States Code, Section 3161(h)(1)(D).

Specifically, and for the reasons set forth above, the Court determines that the public's interest in conserving resources by obtaining and maintaining continuity of counsel outweighs the public's interest in a speedy trial. Furthermore, the defendant's interest in securing the effective assistance of counsel/continuity of counsel outweighs the interest of the defendant in a speedy trial.

**NOW**, it is hereby

**ORDERED**, for the reasons set forth above, that the scheduled status conference is hereby adjourned until February 9, 2024; and it is further

**ORDERED** that the time in this action from and including January 25, 2024, to and including February 9, 2024, is properly excluded from the time within which trial must commence, in accordance with the Speedy Trial Act, pursuant to Title 18, United States Code, Section(s) 3161(h)(1)(D) and 3161(h)(7)(B)(iv).

The Court further finds that, as of February 9, 2024, zero days of Speedy Trial Act time will have elapsed in this action and 70 days remain in the period within which trial must commence.

DATED: Buffalo, New York, January 29, 2024.

  
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HON. H. KENNETH SCHROEDER, JR.  
United States Magistrate Judge